

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

OLD REPUBLIC NATIONAL	)	
TITLE INSURANCE COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action
	)	File No. 7:12-cv-00083-HL
STUDSTILL & PERRY, LLP,	)	
	)	
Defendant.	)	

**CONSENT CONFIDENTIALITY AND NON-DISCLOSURE ORDER  
CONCERNING NON-PARTY RINKER MATERIALS OF FLORIDA, INC.'S  
RESPONSE TO SUBPOENA**

**THE COURT ALERTS THE PARTIES THAT IT HAS ADDED A FINAL  
PARAGRAPH TO THIS PROTECTIVE ORDER THAT WAS NOT  
INCLUDED IN THE STIPULATED ORDER SUBMITTED TO THE  
COURT.**

The parties having consented and agreed, IT IS HEREBY ORDERED,  
ADJUDGED, and DECREED as follows:

1. Defendant Studstill & Perry, LLP served upon Non-Party CEMEX Construction Materials Florida, LLC, as successor-in-interest to Rinker Materials of Florida, Inc., (collectively, “CEMEX”) a subpoena to obtain documents that may be subject to a Consent Confidentiality and Non-Disclosure Order (“Previous

Order”) entered on August 5, 2008, in the case styled Alton H. Hopkins, et al. v. Rinker Materials of Florida, Inc., Superior Court of Fulton County, Georgia, Case No. 2007-CV-128674.

2. The Previous Order is attached hereto and incorporated herein as Exhibit “A.”

3. In the course of document production, should CEMEX determine that documents being produced contain any confidential, proprietary, or financial material or trade secrets, CEMEX may designate such material as “confidential” by marking each page of the document “confidential.”

4. Documents designated as “confidential” by CEMEX shall not be disseminated, disclosed, or shown or revealed to any person or entity other than the following persons and categories of persons:

- (a) Counsel for the named parties in this action, including attorneys, paralegals and support staff employed by counsel for the named parties in this action;
- (b) Any expert witness retained by the receiving party which expert is to testify for the receiving party or to consult with counsel for the receiving party; and
- (d) The Court, the jury, the court reporter(s), and other court personnel.

5. If any party or non-party desires to disclose documents designated by CEMEX as “confidential” either orally or in writing to any person or entity other than those specifically identified herein, the party or non-party desiring to make such disclosure shall provide CEMEX with written notice of said intent not less than ten (10) days prior to the contemplated disclosure. In the event CEMEX serves a written objection during this 10-day time frame, no disclosure shall be made absent specific order by the Court.

6. If any party or non-party is required by law to disclose any document designated by CEMEX as “confidential” to any person or entity other than those identified above, that party or non-party shall promptly notify CEMEX of the required disclosure in order to allow CEMEX to seek an appropriate protective order or other remedy.

7. To the extent that any motion, brief, or other court pleading or document filed with the Court attaches, references, or otherwise makes use of or contains documents designated by CEMEX as “confidential” or information contained in said documents; the portion of the motion, brief, or other pleading or document that attaches, references, or otherwise makes use of or contains documents designated by CEMEX as “confidential” or information contained in said documents shall be filed under seal.

8. All documents designated by CEMEX as “confidential” must be

returned to CEMEX (or its counsel) within thirty (30) days of final resolution of this litigation.

9. The Court finds that good cause exists for the entry of this order with the following condition. Notwithstanding anything to the contrary in the foregoing order, the Court finds that it shall not apply to exclude evidence from public disclosure when that evidence is relied upon in support of or opposition to any motion or relevant in any hearing or trial. If a party seeks to rely upon any evidence covered by this protective order in support of or in opposition to any motion or during any hearing or trial, that party shall notify the opposing party at least 14 days prior to filing the motion and/or 14 days prior to the hearing or trial. The opposing party shall have 7 days to respond objecting to the public disclosure of the information, and the opposing party shall also file a motion to allow the materials to be filed under seal, which shall state a compelling reason in support of that motion. The Court will closely scrutinize any such requests at that time, with the presumption that any evidence relied upon in a filed motion or in opposition to any such motion or to be used in a hearing or trial shall be a public record. Accordingly, when materials are to be used in the foregoing manner, a party will not be allowed to file the materials under seal just because they are covered by this discovery protective order.

**SO ORDERED** this 5<sup>th</sup> day of November, 2013.

*s/ Hugh Lawson*  
Hugh Lawson, Senior Judge

CONSENTED TO BY:

*/s/ Jeffrey H. Schneider*  
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Attorneys for Defendant

By: */s/ Stacey McGavin Mohr (signed with express permission)*

Title: Counsel of Record in response to subpoena

For: CEMEX Construction Materials Florida, LLC